

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

July 28, 2009

SITE VISIT

A site visit convened at 6:31 PM at the Brookdale Subdivision on Hwy. 24, Buena Vista, Colorado. Those present were Mayor Russell, Trustees Robert Flint, Mark Boston, Norm Nyberg, Keith Baker, Town Administrator Sue Boyd, Town Planner Shannon Haydin and Town Clerk Diane Spomer.

The site visit concluded at 6:43 PM.

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:03 PM, Tuesday, July 28, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Keith Baker, Brett Mitchell, Robert Flint, Mark Boston, Norm Nyberg, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Airport Manager Bob Johnson, Public Works Director Roy Gertson, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Trustee Benson was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

AGENDA ADOPTION

Motion #1 by Trustee Boston, seconded by Trustee Flint, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

A. Minutes

1. Regular Meeting – July 14, 2009

B. Advisory Board Minutes

1. Planning & Zoning Commission

C. Street Closure

1. Should the Board approve a request from the Buena Vista Volunteer Fire Department to close Linderman Avenue on August 1 and 2, 2009, from 8 AM – 5 PM for fire equipment and fire prevention demonstrations?

Mayor Russell noted a correction on page 13, the paragraph above staff reports the 4th line, correct Mayor Russell's statement to "although the three individuals expressed problems the ripples go a long way in the aviation industry".

Administrator Boyd stated the street closure was a last minute request to allow a demo on Linderman Avenue as part of Gold Rush days, Chief Pratt was asked to coordinate with the other major players, Dept. Heads signed off on the application and there is a little concern on traffic flow. A short discussion followed on the closure for the southern portion of the street that will be blocked off.

Motion #2 by Trustee Flint, seconded by Trustee Boston, to approve the Consent Agenda as amended.

PUBLIC COMMENT

Brett Mitchell, 115 N Hwy. 24, stated he completed a sign application for a sign on his building, noted most of his signs are 30-70 years old, asked for a waiver of the fee and expressed it is not reasonably fair to make business owners pay the fee to get an OK for those signs.

RESPONSE TO PUBLIC COMMENT

A lengthy discussion followed on no fees have been requested to be waived from anyone; if the waiver is granted there will be a lot of requests for the same; in the event the sign code does not pass all signs should be permitted; numerous sign code applications have come through Town hall in the last a few months for existing signs to make them compliant with the existing code; staff has requested business owners to document the types of signs they currently have before the new code is adopted; 65% of Brett's signs were present when he purchased the property; when the sign code issue came forth many sign requests were brought to the Town and the fees have all been paid. Brett added "why should a small business owner have to pay \$50"?

Motion #3 by Trustee Nyberg, seconded by Trustee Baker, to deny the request. Mayor Russell expressed that she had to address concerns to constituents on the S. Main waiver and that all businesses have to pay for signage. Trustees Boston and Flint voted against. Mayor Russell broke the tie. Motion carried.

NEW BUSINESS

PRESENTATION FROM THE CHAFFEE COUNTY PEOPLE'S CLINIC, MIKI HODGE, EXECUTIVE DIRECTOR

Miki Hodge, Executive Director for Peoples' Clinic, introduced Laurie Strasburger, Physician Assistant, who expressed her excitement to be a part of the community and gave an overview of their services to uninsured patients. Miki outlined why they are in existence and gave a little of their history and services provided to low income individuals and those with no insurance; they opened two years ago and offer primary care; noted their local data; sustainability is very strong and patient numbers are increasing. In closing Miki asked about the Town's next budget cycle and being included in that process.

Mayor Russell suggested they submit a letter of request with more specific information.

PUBLIC HEARING – TO CONSIDER A REQUEST FOR A RE-SUBDIVISION OF THE BROOKDALE SUBDIVISION AND A WAIVER FROM THE RE-SUBDIVISION PROCESS, ALAN WAUGH

Town Planner Haydin presented a power point on the proposed replat of the Brookdale Subdivision consisting of lots 8-19, 24-36 and a portion of a vacated alley; the request is to reconfigure a number of lots platted years ago into three lots with frontage and access off Hwy. 24; Lot 1 has a motel and retail space, lot 2 is proposed retail use and lot 3 is to be created as a new lot (currently contains a gift shop). Shannon noted outstanding issues: 1) numerous accesses currently exist, a permit was received for a new curb cut but the work had not begun before the permit expired, there is a current permit for curb cut work and satisfy CDOT's requirements and remove the sign later this week; 2) CDOT is looking for plat notes for future access with re-development for the properties; today CDOT stated that all their conditions have been met and they are satisfied. Roy Gertson requested that the final plat show all proposed and current easements and lots 2 and 3 should get their own water taps (the motel has the water line that runs to the gift shop); P&Z placed a condition of approval that any CDOT access easements be shown on the map but we are not sure there are any and these items need to be addressed tonight. P&Z reviewed the application on July 15 and recommended approval with four conditions 1) the CDOT issue be resolved (done but they need to show the easements), 2) set-back distances between buildings and property line are shown (done), 3) the square footage of existing buildings be shown (done) and 4) the legal description be updated (done). The applicant is also requesting a waiver (P&Z was willing to

acknowledge and recommend approval if the Board desires). Staff recommends approval of the re-subdivision as requested with additional plat notes along with the waiver request. The Subdivision Code says that you can waive, in your sole discretion, the Minor Subdivision process.

Mayor Russell opened the public comment portion of the hearing at 7:42 PM.

Alan Waugh, 14860 CR 350, clarified there are currently four separate lots and this process cleans up the property.

With no other comments received Mayor Russell closed the comment portion of the hearing.

Discussion followed on Resolution #55, the 3rd Whereas Clause should be "2009"; lot #2 (existing gift shop) would disconnect shared connection and get their own tap with plat note saying "lots 2 and 3 are required to get individual taps"; Section 1 add several of the conditions; #2 "lots 2 and 3 shall obtain separate water taps"; add "all existing easements shall be depicted on the final plat" (Chuck Behr will be doing that tomorrow) and will include 15' off the curb; page 28 of the packet (top) add the 3 items consolidated as one condition; a plat note shall be added stating "access for lots 2 and 3 shall be shared and provide ingress for Lot 1".

Should the Board approve adoption of Resolution #55, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA GRANTING APPROVAL OF A RE-PLAT OF A PORTION OF LOTS 8-19, 24-36 AND A VACATED ALLEY, BLOCK 44, IN THE BROOKDALE SUBDIVISION AND A WAIVER TO THE REQUIREMENTS OF RE-SUBDIVISION UNDER THE PROVISIONS OF SECTION 17-(c) OF THE TOWN OF BUENA VISTA MUNICIPAL CODE**"?

Motion #4 by Trustee Baker, seconded by Trustee Flint, to approve Resolution #55, Series 2009, as amended specifically in the 3rd Whereas Clause it should be 2009, Section 1 #2 "lots 2 and 3 shall obtain separate water taps"; #3 all existing easements shall be reflected on the final plat map and #4 a final plat note stating "access for lots 2 & 3 shall be shared providing ingress for lot 1". Motion carried.

A recess was taken from 7:55 PM to 8:04 PM.

PUBLIC HEARING – Should the Board approve adoption of Ordinance #4, Series 2009, entitled "**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AMENDING SECTION 16-242 OF THE BUENA VISTA MUNICIPAL CODE**"?

Planner Haydin outlined the changes from the previous proposed code: purpose and intent statement, added maximum sign area and number of signs, added a section for the Comp. Sign Plan Review and approval, removed language in the Prohibited Signs section, moved Inflatable Signs to the Temporary Sign section, added a table outlining minimum and maximum requirements, added a section for Drive-Through Menu Boards, Town Plaza Signs need development in the future and there are minor language changes as outlined.

Evelyn Baker, 520 Arizona, P&Z Chair, in the matrix on page 62 there is a discrepancy in the B2 District in the language of 60 sq. ft.

Mayor Russell opened the public comment portion of the hearing at 8:17 PM.

Owen Lentz, 127 S. San Juan, was interested in Off-Premise Signs and asked that the sign code allow for them and concurred with putting off the Town Sign Plaza Program (page 61); referenced Sec. 16-242 and suggested that the language "outdoor advertising and signs" should have been added to the agenda.

With no other comments received Mayor Russell closed the comment portion of the hearing at 8:21 PM.

A lengthy discussion followed on Section 11 (1) definitions should be "90"; abandoned sign, page 59 add "I as abandoned sign"; page 52 under damage delete "removed"; same page under discontinuance there is no time limit and add "must be brought in conformance "within 6 months following a change in use" and delete the first part of the line; page 51 – page 69 defines historical signs and they can be repaired if destroyed; page 57 (menu board) change to "3" square feet; page 59 8 (a) first sentence it has not been implemented or created yet (signs requiring a Special Review Permit) replace with existing off-premise sign code text and require special review permit and delete "directional"; eliminate 9 (h) entirely; page 60 (e) change to "all other strings of lighting must be reviewed as part of the required landscaping plan"; page 59 9(a) move up to be 8 (g); page 62 "free standing" change to 48 square feet in the B2 I1 box with max number of 2; page 66 (1) change to "48" and next line should be 20; page 57 (f) change to "16" square feet and change 1 per property to "2"; page 58 (c) (5) "excluding holiday decorations to be included during the season"; page 57 under Temporary Signs add at the end "excluding holiday decorations"; page 63 "1 per pump" will be hard to enforce and delete "sign affixed to top or side of fuel pump"; page 64 #3 internally lit signs should be under Special Review....add "backlit and internally illuminated signs are allowed by right"; page 62 add "monument" under free standing; page 56 6 (b) delete last sentence; business owners are fearful of speaking at a public hearing due to "backlash" and fear of what will happen when they apply for a permit; continuing the hearing or approve with stated amendments.

Motion #5 by Trustee Flint, seconded by Trustee Baker, to continue the Hearing to the August 11 meeting to review the "clean" copy. Discussion continued.

Trustee Flint amended his motion, seconded by Trustee Baker, to continue to the August 25 meeting with a "clean" copy. Trustee Flint voted nay. Motion carried.

A recess was taken from 9:49 PM to 9:53 PM.

Should the Board approve adoption of Resolution #56, Series 2009, entitle "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA APROVING CHANGE ORDER #3 TO THE CONTRACT AGREEMENT WITH ACA PRODUCTS, INC. FOR THE EAST MAIN STREET IMPROVEMENTS PROJECT**"?

Administrator Boyd noted the costs on this project were higher than expected, an update was provided tonight and after this change order is approved the amount of budgeted funds remaining is \$6,739.08. There are a number of items remaining like sidewalks, globe replacements, benches, etc.; some costs were increased due to being unanticipated or an oversight by staff (engineering costs were not included in the budget from the beginning); the amount of funds left to do the remaining items per the DOLA contract agreement is short; Deb Downes stated there is room to do an amendment; we will talk to SGM because of engineering costs to see if there is room to negotiate; without an amendment to the contract we are obligated to do some things and will utilize the reserves to get them done and we have a few ideas that are outlined in the update.

Discussion followed on looking at next spring to get items done like planters, trash cans, bike racks; cost on benches; staff will bring back refined options with costs and Sue will inform the group looking at the furniture options.

Motion #6 by Trustee Boston, seconded by Trustee Flint, to approve Resolution #56, Series 2009. Discussion followed on the curb and gutter replacement at New Bees. Roll call vote: Nyberg-aye, Boston-aye, Flint-aye, Mitchell-aye, Baker-aye. Motion carried.

Should the Board approve adoption of Resolution #57, Series 2009, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AUTHORIZING AN UPDATED GRANT**"?

AGREEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FOR INFRASTRUCTURE IMPROVEMENTS AT THE CENTRAL COLORADO REGIONAL AIRPORT?

Administrator Boyd noted there was a technical issue with the grant and this is for a newly approved grant application, Council approved in substantial form the same agreement in February, but as the fog seal project got more refined, some technical things changed and this for a new grant application on how specific the FAA wants us to be and we request approval of the revised FAA contract which complements the fog seal contract as the next item.

Discussion followed on there are no changes to the agreement but why the difference in the dollar amount (there are 2 grants AIP #13 is for \$140,000 and we each have a 2% match with CDOT Aeronautics; AIP #12 shows \$92,065); expect total funding of \$198,447 with the two grants and it leaves \$41,600 to be rolled into next year's money with our \$150,000; the terminal grant is a separate item and this is for runway improvements and fog seal.

Motion #7 by Trustee Flint, seconded by Trustee Boston, to approve Resolution #57, Series 2009. Roll call vote: Boston-aye, Mitchell-aye, Flint-aye, Baker-aye, Nyberg-aye. Motion carried.

Should the Board approve adoption of Resolution #58, Series 2009, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AWARDED THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH PRECISE STRIPING FOR THE FOGSEAL PROJECT AT THE CENTRAL COLORADO REGIONAL AIRPORT"?

Sue Boyd advised three bids were received for the project, they were reviewed by Aviation to make sure they met the compliance and contractor qualifications and their recommendation is for Precise Striping who had the lowest bid. Discussion followed on DBE (Disadvantaged Business Enterprise).

Motion #8 by Trustee Boston, seconded by Trustee Baker, to approve Resolution #57, Series 2009. Roll call vote: Baker-aye, Flint-aye, Boston-aye, Mitchell-aye, Nyberg-aye. Motion carried.

Should the Board approve adoption of Resolution #59, Series 2009, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AUTHORIZING THE EARLY RETIREMENT OF THE OUTSTANDING WATER REVENUE BONDS – SERIES 1995"?

Town Treasurer DeChristopher advised that staff wants to look at bonds when doing the 2010 water budget and this will provide the Town a savings of over \$24,000.

Motion #9 by Trustee Baker, seconded by Trustee Nyberg, to approve Resolution #57, Series 2009. Roll call vote: Flint-aye, Boston-aye, Baker-aye, Nyberg-aye, Mitchell-aye. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR:

Administrator Boyd had the following items to cover:

- We have been working to get the trailer and hose situation repaired, it was removed this weekend so a lien replacement could be taken care of. The leak was shut off today, the line using water from the town park was moved to its own tap and they need to complete their system so they are on their own taps. Roy advised he has a meeting tomorrow at 8:30 AM.
- During the Executive Session at the last meeting there was no conversation on Cottonwood Meadows, Mr. Phillips received a red lined "draft" water agreement from Mr. Cogswell and staff has not spent any time reviewing it; John Cogswell came to Town Hall yesterday and there was no arrangement for payment but he does have a proposal for payment and staff is asking for direction from Council since he still owes the Town \$32,000 for work to-date. Attorney Phillips noted the agreement says that upon approval of the project and annexation the fees incurred will be paid

within 6 months and fees incurred with this application will be capped at \$5,000. Discussion followed on if we don't approve the project we don't get payment but we also incur additional charges; Board direction has been that Lee not do any more work until the bill gets paid and that was conveyed to Mr. Cogswell; to collect money we can file suit; if we didn't collect fees the first time why should we review and incur more costs. Council concurred with further staff conversation with Mr. Cogswell stating there is no further review until there is a plan to pay.

- We had a FEMA audit and there are some issues the Town needs to address on compliance that can be sorted out. We need an education process related to this and FEMA has offered to do a work session with the Trustees before the end of September.
- Mayor Russell asked about the energy administrator/coordinator position still holding. Sue stated the State Energy Office made a presentation to the County Commissioners about additional dollars for an energy administrator coordinator and we have learned after conferring with DOLA there will be a recommendation to hire the contractor based on the original RFP with matching funds by the County with anticipation that this new money will allow the project to be sustained over a long time and are hoping for one cooperative effort.
- Trustee Nyberg asked about the Brownsfield funding. Sue talked to them but was one of the things that she did not have time to complete and is on her to do list.
- Mayor Russell asked if WiFi was still on the to do list for the Community Center. Sue noted WiFi is one thing and internet connectivity is another, staff feels it needs to be incorporated with the "face lift" and needs more discussion on technical differences. Christine received pricing to get internet to the building from Matrix but not from Bresnan; a monthly fee is involved; we do not have a fee mechanism in our schedule to collect the fee; since we rent the building out we may have problems if it is WiFi; internet access is different and it can be provided to renters differently than WiFi.
- Trustee Baker noted the deadline for GOCO funding on the Rec District is the 26th. Sue noted it is taking a little more time and we are hoping for appointments to the Rec Board at the next meeting and for them to be a steering committee along with a Rec. District Planning Grant and a GOCO Mini Grant.

TOWN TREASURER:

- Mayor Russell asked why the airport fund does not show revenues for May or June. Christine stated It is a process problem; we brought a part-time person on-board in May and she went through the process of preparing a schedule, did not get it all done as we had to regenerate some of the data, some of the pieces are being done for June and hope to meet next week and get that together.

PUBLIC WORKS:

- Roy Gertson stated ACA approached us for a temporary access off Gregg Drive for a new paving contractor who will be here in August to pave Trout Creek Pass which will increase traffic on Gregg with over 100 trips per day; we will be working with them to help us maintain Gregg Drive to keep it graded and watered; the Trout Creek Project goes through September or October.
- Trustee Boston noted dog stations have become a burden and asked if Rotary has intentions of using volunteers. Roy noted there are contributors to each station, have asked them to have the contributor monitor and clean but haven't heard anything back and it is a constant problem.
- Trustee Mitchell asked about the pizometer readings. Roy noted everything dropped considerably almost a foot on most of them, it has been dry through the last few weeks, the creek is down; the Engineers requested a survey of the entire parcel (inaccuracies on the current survey) and will put out to bid soon to get that data to them.

TRUSTEE/STAFF INTERACTION

- Mayor Russell regarding vehicles for sale between the Eagles Roost and Subway, there are now more than four vehicles next to the Depot at McPhelmy Park and it makes us look like one huge car lot and asked Lee Phillips to check the code if we have anything to stop that and asked

Council to see about an ordinance to stop it. Council concurred. Sue stated we will do a planning draft and engage Lee for review.

- Town Treasurer DeChristopher noted after the capital work session the Optimists talked to every group in Town about their 3 year project where they have set aside money of \$10,000 toward putting in a new ball field for the school but it will be far off. They asked if the Town had any projects; when we did bids for the boulders they were for play boulders, provided copies of brochures she received. When the committee met they looked at rocks and ropes for kids, they will go to their board and see if that is where they want to put up their \$10,000 for a match for the GOCO Grant and the Town could put up \$5,000 to get the full \$60,000. We will look at proposing this in August for the boulder park that is part of the river park. No other group has things that meet their criteria for kids.
- Trustee Mitchell had numerous complaints about all the temporary vendors on the highway; some are ugly and asked if Council wants to look at limiting them or looking at their signs. Discussion followed on this item being worked on during the off-season.
- Trustee Boston advised he was offered a job out of state and is negotiating and will let everyone know the status after Friday.

ADJOURNMENT

Motion #10 by Trustee Mitchell, seconded by Trustee Boston, noting that there being no further business to come before the Board declared that the meeting be adjourned at 10:57 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer